



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Stephen Deackoff, Chairman
Anthony Ippolito, Vice-Chair
Sean Czarniecki, Clerk
Dennis Sheehan
Carolina Linder

**MEETING MINUTES
April 23, 2014**

The meeting was called to order by Steve Deackoff, Chairman, at 7:02 p.m. at the Tewksbury Senior Center, 175 Chandler Street. Present was Anthony Ippolito, Sean Czarniecki, Dennis Sheehan, and Carolina Linder. Also in attendance was Kyle Boyd, Conservation Agent.

Approval of Meeting Minutes - March 19, 2014

MOTION: Mr. Czarniecki made the motion to approve the March 19, 2014 meeting minutes; seconded by Mr. Ippolito and the motion carried 5-0.

A) Notice of Intent, Bella Woods, LLC, East Street, Map 89, Lots 18, 19, 20, 21, 23 & 34, DEP #305-967

Mr. Deackoff recused himself and Mr. Ippolito conducted the meeting.

Present was Dick Cuoco from Woodland Design and Arnie Martel. Mr. Cuoco explained that they are proposing to add 35 additional units; four of which will be within 100 feet of the resource area. Mr. Cuoco noted that this project will be the same as the existing project and will consist of porous pavement to handle the storm water runoff as well as grassed areas. There will be no impact to the resource area.

Mr. Czarniecki noted that the members have been given a document from GCG and asked who they are and what the document is. Mr. Boyd explained that GCG is the consultant on site who has been monitoring the development; when new proposals are done GCG prepares review letters. GCG has been hired by the Planning Board. Mr. Boyd explained that GCG has expressed concerns regarding the drainage as they are worried that it will leave the isolated wetland to the right without enough water to function as a wetland. Mr. Cuoco explained that all of the recharge is in compliance with the storm water management policy and noted that the stone trench that was originally being proposed has been removed and replaced with trees. Mr. Cuoco noted that all of the other items raised by GCG are planning items and not conservation items.

Ms. Linder noted that the plans currently show the flow as less and requested this be adjusted. Mr. Cuoco explained that this is ground water and noted that the site is sandy. Mr. Sheehan asked if the entire site is sand and Mr. Cuoco explained that with the exception of a small area that is peaty material, the site is sandy. It was the consensus of the Commission that the plans should show the same flow going in. Mr. Cuoco will revise the plans.

Mr. Deackoff opened the hearing to the public.

Susan Hamilton of 670 East Street was present and noted that she is in attendance to gather additional information as most of her concerns are Planning Board matters.

James Leonard of 807 East Street came forward and noted that the previous storm left a lot of water in the driveway across the street and it took a few days for it to dissipate. Mr. Leonard asked what will happen to the existing water problem. Mr. Boyd explained that the storm water is being addressed from a Planning Board perspective. Mr. Martel explained that this particular homeowner was supposed to move out last December and they have not. This home will be razed. Once the project is completed, there will be porous pavement in this area. Mr. Cuoco showed where the home is located on the plan.

Discussion took place on whether or not there is a bond in place. Mr. Cuoco noted that the Planning Board has a bond in place. Mr. Czarniecki noted that he would prefer to see one in place for the Commission as well.

MOTION: Mr. Czarniecki made the motion to close the public hearing; seconded by Mr. Sheehan and the motion carried 5-0.

MOTION: Mr. Ippolito made the motion to approve Notice of Intent, Bella Woods, LLC, East Street, Map 89, Lots 18, 19, 20, 21, 23 & 34, DEP #305-967; standard order of conditions, the applicant shall submit revised storm water calculations showing that the associated wetland will be the same as existing, a \$1,000 bond shall remain in place until the project has been completed, Bernstein markers shall be put in place every 25 feet along the 25 foot buffer; seconded by Mr. Sheehan and the motion carried 5-0.

B) Enforcement Order, Bella Woods, LLC, East Street, Map 89, Lots 18, 19, 20, 21, 23 & 34, #305-967

Present was Dick Cuoco of Woodland Design and Arnie Martel. Mr. Cuoco noted that a wetland mitigation plan has been submitted and explained that a couple of trees had blown over and some of the blueberry bushes were squashed as a result. In their opinion, the root systems for the blueberry bushes were still intact and will grow back. Mr. Cuoco explained that while on site with Bill Manuell, they agreed to add additional bushes and/or plant new ones, and the roots from the old bushes will remain.

Mr. Cuoco explained that the blueberry bushes are in the wetlands and are a wetland species and the Blue Spruces are outside of the wetlands. Mr. Martel explained that homeowners are sent a letter when they close on the home that states they cannot do anything beyond the Blue Spruce trees so they are aware that there are wetlands back there. Ms. Linder noted that Bill Manuel suggested a two season monitoring plan for the mitigation. Mr. Cuoco suggested this be put into the original Order of Conditions. Mr. Boyd noted that he will look into this as it may require the Commission to formally amend the Order of Conditions. Mr. Cuoco noted that they will still be working on the project in two years. Mr. Martel noted that he also keeps in frequent contact with Mr. Boyd as well as Steve Sadwick, Director of Community Development.

Mr. Czarniecki inquired about the potential vernal pool and Mr. Martel explained that he has had additional testing done to determine whether there are vernal pools and there are none; however, they have agreed to treat it as such due to the time of year. Mr. Czarniecki noted that he is not completely convinced that there it is not a vernal pool and Mr. Cuoco explained that even if it is a vernal pool, there will be no negative impact to it. Mr. Boyd will actively monitor the area in question for a period of 30 days.

MOTION: Mr. Czarniecki made the motion to amend the Enforcement Order, Bella Woods, LLC, East Street, Map 89, Lots 18, 19, 20, 21, 23 & 34, #305-967, Mr. Boyd shall actively monitor the potential vernal pool area for a period of 30 days, seconded by Mr. Sheehan and the motion carried 5-0.

Mr. Deackoff returned.

C) Notice of Intent, Steve Cox, 1 Radcliff Road, Map 52, Lots 25, DEP ##305-966

Mr. Deackoff noted that the applicant has requested to continue this matter to May 14, 2014 at 7:02 p.m.

MOTION: Mr. Ippolito made the motion to continue Notice of Intent, Steve Cox, 1 Radcliff Road, Map 52, Lots 25, DEP ##305-966, seconded by Mr. Sheehan and the motion carried 5-0.

D) Notice of Intent, John Berube, 250 Trull Road, Map 24, Lots 47

John Berube of 2543 Main Street, Tewksbury was present on behalf of the homeowners. Mr. Berube explained that they are proposing to construct a garage in the front yard which is outside of the 50 foot no build.

Mr. Czarniecki noted that he visited the site and it is outside the 50 foot and asked about National Heritage as the application says there is no priority habitat and the Wetland Scientist says that it is. Mr. Boyd explained that he did some research on this and it is not exempt from National Heritage's Regulations; the review letter states that the site does fall within the National Heritage Priority Habitat #389 and any work proposed in these areas must be reviewed by the National Heritage Endangered Species Program (NHSEP). Mr. Boyd explained that the Commission cannot close the hearing until approval from NHSEP has been received.

MOTION: Mr. Czarniecki made the motion to continue Notice of Intent, John Berube, 250 Trull Road, Map 24, Lots 47 to May 14, 2014 at 7:04 p.m., seconded by Mr. Sheehan and the motion carried 5-0.

E) Request for Determination of Applicability, DSM Mangano, LLC, 121 Rockvale Road, Map 110, Lot 89

Present was John Mangano, 737 Livingston Street, Tewksbury. Mr. Mangano explained that there is an existing home on the property that was damaged by fire. They are proposing to demolish the home and reconstruct a new home. Mr. Boyd noted that the trees within 100 feet of the buffer zone have already been cut and some clearing has been done without proper notification to him. Mr. Mangano explained that he was not aware he needed to come before the Commission and had begun working. It was suggested that a condition be put in place that permanent markers be installed along the buffer zone.

Mr. Sheehan asked if there will be any additional trees removed and Mr. Mangano explained that there will not be and offered to plant additional trees to replace some of what has been cut.

Mr. Deackoff opened the hearing to the public and no one came forward to comment.

MOTION: Mr. Czarniecki made the motion to close the public hearing; seconded by Mr. Ippolito and the motion carried 5 0.

MOTION: Mr. Deackoff made the motion for a negative determination DSM Mangano, LLC, 121 Rockvale Road, Map 110, Lot 89, permanent demarcation of the 25 foot no disturb shall be done every 25 feet by Bernstein Markers and/or native plantings as mitigation for the trees that have been cut, seconded by Mr. Sheehan and the motion carried 5-0.

F) Enforcement Order, Joseph Menchi, 54 French Street, Map 9, Block 14, Lots 1 and 2, #305-831

Present was Robert Pace and Matthew Morrow, Wetland Consultant. Mr. Morrow explained that his client was in the process of working with the owner to construct a single family home on this property. There is an access driveway with a culvert partway up the driveway that was not detailed on the plans. The former owner changed out the culvert and there is now a space that is being shown as ponding. Mr. Morrow noted that this area happens to be in the middle of the proposed sewer line. The sewer line must be located in this area as it must be a certain distance from the water line; which is existing. Mr. Morrow noted that there had also been some cutting along wetlands 17b and 15b. Mr. Morrow reviewed the site with Mr. Boyd and verified the flagging. Mr. Morrow explained that when the culvert was changed, it essentially expanded the wetland and is now land under water. In order to install the sewer line, they would have to re modify the culvert and install a headwall. In the area that was cut

they are proposing to plant a progressive conservation seed mix that will germinate throughout three seasons. Mr. Morrow explained that because of the expanded area that has to be taken up due to the headwall, the plan is to come around where the large clump of pine trees are and remove the trees, grade down to the wetland, and plant the conservation seed mix as well as some shrubs.

Ms. Linder noted that it would be nice to see a delineated area for the restoration and cautioned against cutting additional trees to restore the area. Mr. Boyd asked if there is a reason for cutting the four pine trees as they seem mature. Mr. Morrow noted that they are close to living out their life span, are out competed for growth in the area and will likely die prematurely. Mr. Morrow explained that the white pine is wetland edge vegetation and shrubs would make a better wildlife habitat in an area such as this. They will hand dig out the trees. Mr. Morrow noted that the monitoring plan calls for weekly inspections for two growing seasons and he would provide a written report to Mr. Boyd.

Mr. Morrow suggested continuing the enforcement order and if any of the conditions change throughout the monitoring period the enforcement order can either be closed out sooner, if the area grows in quicker, or be modified if a need to do more replication work is found.

MOTION: Mr. Czarniecki made the motion to continue the Enforcement Order, Joseph Menchi, 54 French Street, Map 9, Block 14, Lots 1 and 2, #305-831; seconded by Mr. Sheehan and the motion carried 5-0.

New Business

Discussion took place on email communications between the Commission members. Mr. Ippolito noted that he feels that everyone is not working together as a group with emails and requested in the future that everyone “replies to all” so that all the members are in the loop as to who can attend a meeting and when the meeting will take place.

Ms. Linder noted that when she picked up her book at the community development office it was opened and there were pages missing.

Ms. Linder also suggested obtaining the green return receipt cards on the certified mailings for the abutters so there is proof they have been properly notified. Mr. Deackoff discussed “certificate of mailing” versus “certified mail”.

Old Business

There was no old business.

Administrator's Report

Mr. Boyd noted that he visited Cooney Road upon receiving a telephone complaint from a neighbor. An enforcement order has been issued. The homeowner was at tonight’s meeting and was upset that he could not be put on the agenda for tonight. Mr. Boyd explained that he would like to try to work with this homeowner to stabilize the site.

Mr. Boyd noted that John Rockwell, a renowned Wetland Scientist, is offering four different courses that he is interested in attending.

MOTION: Mr. Ippolito made the motion to \$380.00 from the Wetland Protection Fund for Mr. Boyd to attend the four courses being offered by John Rockwell; seconded by Mr. Sheehan and the motion carried 5-0.

Adjournment

MOTION: Mr. Czarniecki made the motion to adjourn; seconded by Ms. Linder and the motion carried 5-0.

Approved: 6/4/14

List of documents for 4/23/14 Agenda

Documents can be located at the Community Development Office

Approval of Meeting Minutes-March 5, 2014

- *Bylaw subcommittee minutes dates March 5, 2014*
- *Conservation Commission minutes dates March 5, 2014*

- A. 7:02 P.M. Notice of Intent**, Bella Woods LLC, East Street, Map 89 Lots 18, 19, 20, 21, 23 & 34, DEP # 305-967
- *Bella Woods Amended Site Plans dated March 19, 2014*
 - *GCG Associates Review letter*
 - *Abbreviated Notice of Resource Area Delineation packet dated 2/3/14*
 - *WPA Form 3- Notice of Intent*
 - *Bella Woods Drainage Report dated March 21, 2014*
 - *Cuoco & Cormier submittal packet dated March 25, 2014*
 - *Norse Environmental Delineation Report dated February 18, 2014*
- B. 7:05 P.M Enforcement Order**, Bella Woods LLC, East Street, Map 89 Lots 18, 19, 20, 21, 23 & 34, DEP #305-937
- *Review letter from Bill Manuell dated April 7, 2014*
 - *Cuoco & Cormier Wetland Mitigation Plan*
 - *Norse Environmental Review Letter dated 4/18/14*
- C. 7:07 P.M Notice of Intent**, Steve Cox, 1 Radcliff Road, Map 52 Lot 25, 305-966
- *WPA Form 3-Notice of Intent*
 - *Drainage Calculations dated March 21, 2014*
 - *Pamella Merrill review letter dated April 15, 2014*
 - *Weston & Sampson review letter dated April 14, 2014*
- D. 7:09 P.M Notice of Intent**, John Berube, 250 Trull Road, Map 24 Lot 47
- *WPA Form 3- Notice of Intent*
 - *Certified Plot Plan dated 3/23/14*
- E. 7:11 P.M Request for Determination of Applicability**, DSM Mangano LLC, 121 Rockvale Road, Map 110 Lot 89
- *WPA Form 1 Request for Determination of Applicability*
- F. 7:13 P.M Enforcement Order**, Joseph Menchi, 54 French Street, Map 9 Block 14 Lots 1 and 2, DEP # 305-831
- *Enforcement Order dated 4/4/14 signed by Kyle Boyd*
 - *Wetland Restoration Plan prepared by Mathew Marro dated 4/2/14*
 - *Proposed Driveway and Residential Development Plan dated June 7, 2007*